

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

Lokesh Shantanu Tantuwaya, M.D.

Case No. 800-2016-021906

**Physician's and Surgeon's
Certificate No. G 79268**

Respondent

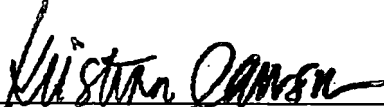
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on May 10, 2019.

IT IS SO ORDERED: April 11, 2019.

MEDICAL BOARD OF CALIFORNIA



**Kristina D. Lawson, J.D., Chair
Panel B**

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 MICHAEL J. YUN
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8 *Attorneys for Complainant*

10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 800-2016-021906

14 **LOKESH SHANTANU TANTUWAYA,**
15 **M.D.**

OAH No. 2018110802

15 P.O. Box 236105
16 Encinitas, CA 92023-6105

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 **Physician's and Surgeon's Certificate**
17 **No. G 79268,**

18 Respondent.

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Kimberly Kirchmeyer (complainant) is the Executive Director of the Medical Board
24 of California (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Xavier Becerra, Attorney General of the State of California, by Michael J. Yun,
26 Deputy Attorney General.

27 2. Respondent Lokesh Shantanu Tantuwaya, M.D. (respondent) is representing himself
28 in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about June 22, 1994, the Board issued Physician's and Surgeon's Certificate No. G 79268 to Lokesh Shantanu Tantuwaya, M.D. (respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-021906, and will expire on August 31, 2019, unless renewed.

JURISDICTION

4. Accusation No. 800-2016-021906 was filed before the Board, and is currently pending against respondent. The Accusation and all other statutorily required documents were properly served on respondent on September 24, 2018, at his official Address of Record with the Board, and on November 15, 2018, at his alternate mailing address. Respondent filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2016-021906 is attached as Exhibit 1 and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2016-021906, and the effects of this Stipulated Settlement and Disciplinary Order on his Physician's and Surgeon's Certificate No. G 79268.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in Accusation No. 800-2016-021906; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act, the California Code of Civil Procedure, and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every one of the rights set forth and/or referenced above.

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1 shall not be relied upon or introduced in any disciplinary action by either party hereto.
2 Respondent further agrees that should the Board reject this Stipulated Settlement and Disciplinary
3 Order for any reason, respondent will assert no claim that the Board, or any member thereof, was
4 prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and
5 Disciplinary Order or of any matter or matters related hereto.

6 **ADDITIONAL PROVISIONS**

7 14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
8 be an integrated writing representing the complete, final and exclusive embodiment of the
9 agreements of the parties in the above-entitled matter.

10 15. The parties understand and agree that copies of this Stipulated Settlement and
11 Disciplinary Order may be used, including copies of the signatures of the parties, in lieu of
12 original documents and signatures and, further, shall have the same force and effect as the
13 originals.

14 16. In consideration of the foregoing admissions and stipulations, the parties agree that
15 the Board may, without further notice or opportunity to be heard by respondent, issue and enter
16 the following Disciplinary Order:

17 **DISCIPLINARY ORDER**

18 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 79268 issued
19 to respondent Lokesh Shantanu Tantuwaya, M.D., is revoked. However, the revocation is stayed
20 and respondent is placed on probation for two (2) years, consecutive and additional to his existing
21 three (3) years probation in his other case with the Board, Case No. 800-2014-007852,¹ for a total
22 of five (5) years probation,² on the following terms and conditions.

23
24 ¹ The terms and conditions of respondent's existing three (3) years probation in the
25 Board's Case No. 800-2014-007852, remain in full effect and must be complied with by
respondent, along with the additional terms and conditions imposed in the current case.

26 ² The Decision and Order in respondent's other administrative case with the Board, Case
27 No. 800-2014-007852, went into effect on August 31, 2018, and the time credit that respondent
28 has already earned while in compliance with his probation in Case No. 800-2014-007852, will be
counted toward his fulfillment of the new five (5) years probation. However, any time tolled
during probation due to non-practice by respondent will not be counted toward his fulfillment of
the new five (5) years probation.

1 1. **MEDICAL RECORD KEEPING COURSE** Within 60 calendar days of the
2 effective date of this Decision, respondent shall enroll in a course in medical record keeping
3 approved in advance by the Board or its designee. Respondent shall provide the approved course
4 provider with any information and documents that the approved course provider may deem
5 pertinent. Respondent shall participate in and successfully complete the classroom component of
6 the course not later than six (6) months after respondent's initial enrollment. Respondent shall
7 successfully complete any other component of the course within one (1) year of enrollment. The
8 medical record keeping course shall be at respondent's expense and shall be in addition to the
9 Continuing Medical Education (CME) requirements for renewal of licensure.

10 A medical record keeping course taken after the acts that gave rise to the charges in the
11 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
12 or its designee, be accepted towards the fulfillment of this condition if the course would have
13 been approved by the Board or its designee had the course been taken after the effective date of
14 this Decision.

15 Respondent shall submit a certification of successful completion to the Board or its
16 designee not later than 15 calendar days after successfully completing the course, or not later than
17 15 calendar days after the effective date of the Decision, whichever is later.

18 2. **SOLO PRACTICE PROHIBITION** Respondent is prohibited from engaging in
19 the solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
20 where: 1) Respondent merely shares office space with another physician but is not affiliated for
21 purposes of providing patient care, or 2) respondent is the sole physician practitioner at that
22 location.

23 If respondent fails to establish a practice with another physician or secure employment in an
24 appropriate practice setting within 60 calendar days of the effective date of this Decision,
25 respondent shall receive a notification from the Board or its designee to cease the practice of
26 medicine within three (3) calendar days after being so notified. Respondent shall not resume
27 practice until an appropriate practice setting is established.

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1 If, during the course of the probation, respondent's practice setting changes and respondent
2 is no longer practicing in a setting in compliance with this Decision, respondent shall notify the
3 Board or its designee within five (5) calendar days of the practice setting change. If respondent
4 fails to establish a practice with another physician or secure employment in an appropriate
5 practice setting within 60 calendar days of the practice setting change, respondent shall receive a
6 notification from the Board or its designee to cease the practice of medicine within three (3)
7 calendar days after being so notified. Respondent shall not resume practice until an appropriate
8 practice setting is established.

9 3. **NOTIFICATION** Within seven (7) days of the effective date of this Decision,
10 respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
11 Chief Executive Officer at every hospital where privileges or membership are extended to
12 respondent, at any other facility where Respondent engages in the practice of medicine, including
13 all physician and locum tenens registries or other similar agencies, and to the Chief Executive
14 Officer at every insurance carrier which extends malpractice insurance coverage to respondent.
15 Respondent shall submit proof of compliance to the Board or its designee within 15 calendar
16 days.

17 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

18 4. **SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED**
19 **PRACTICE NURSES** During probation, respondent is prohibited from supervising physician
20 assistants and advanced practice nurses.

21 5. **OBEY ALL LAWS** Respondent shall obey all federal, state and local laws, all rules
22 governing the practice of medicine in California and remain in full compliance with any court
23 ordered criminal probation, payments, and other orders.

24 6. **QUARTERLY DECLARATIONS** Respondent shall submit quarterly declarations
25 under penalty of perjury on forms provided by the Board, stating whether there has been
26 compliance with all the conditions of probation.

27 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
28 of the preceding quarter.

1 7. **GENERAL PROBATION REQUIREMENTS**

2 Compliance with Probation Unit

3 Respondent shall comply with the Board's probation unit.

4 Address Changes

5 Respondent shall, at all times, keep the Board informed of respondent's business and
6 residence addresses, email address (if available), and telephone number. Changes of such
7 addresses shall be immediately communicated in writing to the Board or its designee. Under no
8 circumstances shall a post office box serve as an address of record, except as allowed by Business
9 and Professions Code section 2021(b).

10 Place of Practice

11 Respondent shall not engage in the practice of medicine in respondent's or patient's place
12 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
13 facility.

14 License Renewal

15 Respondent shall maintain a current and renewed California physician's and surgeon's
16 license.

17 Travel or Residence Outside California

18 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
19 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
20 (30) calendar days.

21 In the event respondent should leave the State of California to reside or to practice,
22 respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
23 departure and return.

24 8. **INTERVIEW WITH THE BOARD OR ITS DESIGNEE** Respondent shall be
25 available in person upon request for interviews either at respondent's place of business or at the
26 probation unit office, with or without prior notice throughout the term of probation.

27 9. **NON-PRACTICE WHILE ON PROBATION** Respondent shall notify the Board
28 or its designee in writing within 15 calendar days of any periods of non-practice lasting more than

1 30 calendar days and within 15 calendar days of respondent's return to practice. Non-practice is
2 defined as any period of time respondent is not practicing medicine as defined in Business and
3 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
4 patient care, clinical activity or teaching, or other activity as approved by the Board. If
5 respondent resides in California and is considered to be in non-practice, respondent shall comply
6 with all terms and conditions of probation. All time spent in an intensive training program which
7 has been approved by the Board or its designee shall not be considered non-practice and does not
8 relieve respondent from complying with all the terms and conditions of probation. Practicing
9 medicine in another state of the United States or Federal jurisdiction while on probation with the
10 medical licensing authority of that state or jurisdiction shall not be considered non-practice. A
11 Board-ordered suspension of practice shall not be considered as a period of non-practice.

12 In the event respondent's period of non-practice while on probation exceeds 18 calendar
13 months, respondent shall successfully complete the Federation of State Medical Board's Special
14 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
15 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
16 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

17 Respondent's period of non-practice while on probation shall not exceed two (2) years.

18 Periods of non-practice will not apply to the reduction of the probationary term.

19 Periods of non-practice for a respondent residing outside of California will relieve
20 respondent of the responsibility to comply with the probationary terms and conditions with the
21 exception of this condition and the following terms and conditions of probation: Obey All Laws;
22 General Probation Requirements; and Quarterly Declarations.

23 10. **COMPLETION OF PROBATION** Respondent shall comply with all financial
24 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
25 completion of probation. Upon successful completion of probation, respondent's certificate shall
26 be fully restored.

27 11. **VIOLATION OF PROBATION** Failure to fully comply with any term or
28 condition of probation is a violation of probation. If respondent violates probation in any respect,

1 the Board, after giving respondent notice and the opportunity to be heard, may revoke probation
2 and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke
3 Probation, or an Interim Suspension Order is filed against respondent during probation, the Board
4 shall have continuing jurisdiction until the matter is final, and the period of probation shall be
5 extended until the matter is final.

6 12. **LICENSE SURRENDER** Following the effective date of this Decision, if
7 respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
8 the terms and conditions of probation, respondent may request to surrender his or her license.
9 The Board reserves the right to evaluate respondent's request and to exercise its discretion in
10 determining whether or not to grant the request, or to take any other action deemed appropriate
11 and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent
12 shall within 15 calendar days deliver respondent's wallet and wall certificate to the Board or its
13 designee and respondent shall no longer practice medicine. Respondent will no longer be subject
14 to the terms and conditions of probation. If respondent re-applies for a medical license, the
15 application shall be treated as a petition for reinstatement of a revoked certificate.

16 13. **PROBATION MONITORING COSTS** Respondent shall pay the costs associated
17 with probation monitoring each and every year of probation, as designated by the Board, which
18 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
19 California and delivered to the Board or its designee no later than January 31 of each calendar
20 year.

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DATED: February 6, 2019

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER (Case No. 800-2016-021906)

Exhibit 1

Accusation No. 800-2016-021906

1 XAVIER BECERRA
2 Attorney General of California
3 ALEXANDRA M. ALVAREZ
4 Supervising Deputy Attorney General
5 MICHAEL J. YUN
6 Deputy Attorney General
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14 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SEP 24 2018
ANALYST

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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

29 In the Matter of the Accusation Against:

Case No. 800-2016-021906

30 **LOKESH SHANTANU TANTUWAYA,**
31 **M.D.**

A C C U S A T I O N

32 P.O. Box 236105
33 Encinitas, CA 92023-6105

34 **Physician's and Surgeon's Certificate**
35 **No. G 79268,**

36 Respondent.

37 Complainant alleges:

PARTIES

38 1. Kimberly Kirchmeyer (complainant) brings this Accusation solely in her official
39 capacity as the Executive Director of the Medical Board of California (Board), Department of
40 Consumer Affairs, State of California.

41 2. On or about June 22, 1994, the Board issued Physician's and Surgeon's Certificate
42 No. G 79268 to Lokesh Shantanu Tantuwaya, M.D. (respondent). The Physician's and Surgeon's
43 Certificate was in full force and effect at all times relevant to the charges brought herein and will
44 expire on August 31, 2019, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states, in pertinent part:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“... ”

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“... ”

5. Section 2234 of the Code states, in pertinent part:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“... ”

“(b) Gross negligence.

“(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a

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1 separate and distinct departure from the applicable standard of care shall constitute
2 repeated negligent acts.

3 “(1) An initial negligent diagnosis followed by an act or omission medically
4 appropriate for that negligent diagnosis of the patient shall constitute a single
5 negligent act.

6 “(2) When the standard of care requires a change in the diagnosis, act, or
7 omission that constitutes the negligent act described in paragraph (1), including, but
8 not limited to, a reevaluation of the diagnosis or a change in treatment, and the
9 licensee’s conduct departs from the applicable standard of care, each departure
10 constitutes a separate and distinct breach of the standard of care.

11 “...

12 “(e) The commission of any act involving dishonesty or corruption which is
13 substantially related to the qualifications, functions, or duties of a physician and
14 surgeon.

15 “...”

16 6. Section 2266 of the Code states: “The failure of a physician and surgeon to maintain
17 adequate and accurate records relating to the provision of services to their patients constitutes
18 unprofessional conduct.”

19 7. Section 802.1 of the Code state, in pertinent part:

20 “(a)(1) A physician and surgeon [...] shall report either of the following to the
21 entity that issued his or her license:

22 “...

23 “(B) The conviction of the licensee, including any verdict of guilty, or plea of
24 guilty or no contest, of any felony or misdemeanor.

25 “(2) The report required by this subdivision shall be made in writing within 30
26 days of the date of the bringing of the indictment or information or of the conviction.

27 “(b) Failure to make a report required by this section shall be a public offense
28 punishable by a fine not to exceed five thousand dollars (\$5,000).”

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 8. Respondent has subjected his Physician's and Surgeon's Certificate No. G 79268 to
4 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of
5 the Code, in that he was grossly negligent in his care and treatment of one patient, as more
6 particularly alleged hereinafter:

7 Patient A¹

8 A. On or about November 18, 2010, Patient A was referred to respondent by
9 State Compensation Insurance Fund (SCIF), Patient A's compensation carrier, for
10 treatment of his work-related lumbar spine injury.

11 B. On or about November 18, 2010, respondent became Patient A's
12 designated primary treating physician.

13 C. During his care and treatment of Patient A, respondent prescribed and
14 managed Patient A's analgesics, including Norco² and Tramadol³.

15 D. During the course of his treatment, Patient A repeatedly had difficulties in
16 getting his Tramadol filled due to respondent's failure to submit the requisite Division
17 of Workers Compensation (DWC)'s Request for Authorization (RFA) form.

18
19 ¹ The sole patient referenced in this document is designated as "Patient A" in order to
protect his privacy interest.

20 ² Norco is a brand name for acetaminophen and hydrocodone bitartrate, a Schedule III
21 controlled substance pursuant to Health and Safety Code section 11056, subdivision (e), and a
dangerous drug pursuant to Business and Professions Code section 4022.

22 ³ Tramadol Hydrochloride (Ultram®, Ultracet®), an opioid analgesic, is a Schedule IV
23 controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a
24 dangerous drug pursuant to Business and Professions Code section 4022. When properly
25 prescribed and indicated, it is used for the treatment of moderate to severe pain. The FDA-
26 approved labeling under the Drug Abuse and Dependence section provides warns, among other
27 things, that "[t]ramadol hydrochloride may induce psychic and physical dependence ...
28 Dependence and abuse, including drug-seeking behavior and taking illicit actions to obtain the
drug are not limited to those patients with prior history of opioid dependence. The risk in patients
with substance abuse has been observed to be higher. Tramadol hydrochloride is associated with
craving and tolerance development. Withdrawal symptoms may occur if tramadol hydrochloride
is discontinued abruptly." According to the DEA, "[t]ramadol is most commonly abused by
narcotic addicts, chronic pain patients, and health professionals."

1 E. On or about March 24, 2016, Patient A saw respondent, at which time he
2 prescribed for him Tramadol ER 200 mg and advised a need for epidural injections
3 for pain following multiple lumbar surgeries. Between March 24, 2016, and April 26,
4 2016, Patient A contacted respondent's office two to three (2-3) times a week to
5 request an update on the status of his medications and procedure. On or about April
6 26, 2016, respondent's office informed Patient A that respondent had not yet
7 completed the required paperwork that SCIF requires in order to fill the prescription
8 medication and to process the request for epidural injections.

9 F. On or about May 16, 2016, the Medical Board of California (Board)
10 submitted a signed authorization for release of medical records from Patient A and
11 requested a copy of the complete set of Patient A's medical records from respondent.

12 G. On or about June 30, 2016, B.Z., the Office Manager for respondent
13 signed under penalty of perjury a Certification of Records that the enclosed records
14 consisting of 81 pages of Patient A's medical records were a true copy of "the
15 complete set of records." There was no progress note for Patient A's treatment,
16 provided on March 24, 2016, in the provided set of records. There was no RFA form,
17 dated March 24, 2016, in the provided set of records.

18 H. On or about March 2, 2017, eight (8) months after the certification of
19 records on June 30, 2016, B.Z., the Office Manager for respondent signed another
20 Certification of Records, whereby she wrote, "For 2016; all other years already
21 obtained," and attached three (3) pages of records of Patient A, consisting of a two-
22 page progress report, dated March 24, 2016, and an RFA form, dated March 24, 2016.

23 I. On or about April 12, 2018, Investigator D.F. (Inv. D.F.) of Health
24 Quality Investigations Unit (HQIU) served a Subpoena Duces Tecum along with
25 Patient A's signed authorization for release of his medical records to SCIF for Patient
26 A's medical records, including, but not limited to, all progress notes and RFA forms
27 submitted by respondent to SCIF during his care and treatment of Patient A.

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1 J. On or about May 18, 2018, HQIU Inv. D.F. received the subpoenaed
2 records from SCIF. The received subpoenaed medical records containing 6,084 pages
3 of records from SCIF pertaining to respondent's care and treatment of Patient A did
4 not contain a progress note, dated March 24, 2016, and did not contain an RFA form,
5 dated March 24, 2016. In contrast, respondent's progress notes and RFA forms
6 pertaining to Patient A from other treatment dates were included in the SCIF records.

7 K. Respondent committed gross negligence in his care and treatment of
8 Patient A when respondent augmented Patient A's medical records by creating and
9 post-dating the progress note and the RFA form for March 24, 2016, long after the
10 patient encounter.

11 SECOND CAUSE FOR DISCIPLINE

12 (Repeated Negligent Acts)

13 9. Respondent has further subjected his Physician's and Surgeon's Certificate No.
14 G 79268 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
15 subdivision (c), of the Code, in that he was repeatedly negligent in his care and treatment of
16 Patient A, as more particularly alleged in paragraph 8, above, which is hereby incorporated by
17 reference and realleged as if fully set forth herein, and as more particularly alleged hereinafter:

18 10. Respondent failed to complete and submit the RFA form to SCIF in a timely manner,
19 resulting in a delay in Patient A's receiving analgesics.

20 THIRD CAUSE FOR DISCIPLINE

21 (Dishonesty)

22 11. Respondent has further subjected his Physician's and Surgeon's Certificate No.
23 G 79268 to disciplinary action under section 2234, subdivision (e), in that he committed an act or
24 acts of dishonesty which are substantially related to the qualifications, functions, or duties of a
25 physician and surgeon, as more particularly alleged in paragraph 8, above, and which is hereby
26 incorporated by reference and realleged as if fully set forth herein.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Maintain Adequate and Accurate Records)**

3 12. Respondent has further subjected his Physician's and Surgeon's Certificate No.
4 G 79268 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of the
5 Code, in that he failed to maintain adequate and accurate records regarding his care and treatment
6 of Patient A, as more particularly alleged in paragraph 8, above, and which is hereby incorporated
7 by reference and realleged as if fully set forth herein.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Failure to Report Conviction to the Board within 30 Days)**

10 13. Respondent has further subjected his Physician's and Surgeon's Certificate No.
11 G 79268 to disciplinary action under sections 2227 and 2234, as defined by 802.1, subdivisions
12 (a)(1) and (a)(2), and 2234, subdivision (a), of the Code, in that he has failed to report his two (2)
13 misdemeanor convictions to the Board within 30 days of his conviction, as more particularly
14 alleged hereinafter:

15 14. On or about February 27, 2018, in a criminal proceeding entitled, *The People of the*
16 *State of California v. Lokesh Tantuwaya*, Docket No. CN372748, in Superior Court of California,
17 County of San Diego, respondent was convicted of Penal Code section 166, subdivision (c),
18 subsection (1) [Violation of Protective Order].

19 15. 30 days later, on or about March 27, 2018, respondent was taken into custody and was
20 incarcerated at San Diego County Jail for fifteen days until his release on or about April 10, 2018.

21 16. Respondent reported his February 27, 2018 conviction to the Board on May 2, 2018.

22 **SIXTH CAUSE FOR DISCIPLINE**

23 **(General Unprofessional Conduct)**

24 17. Respondent has further subjected his Physician's and Surgeon's Certificate No.
25 G 79268 to disciplinary action under sections 2227 and 2234, of the Code, in that he engaged in
26 conduct which breaches the rules or ethical code of the medical profession, or conduct which is
27 unbecoming to a member in good standing of the medical profession, and which demonstrates an
28 ///.

1 unfitness to practice medicine as more particularly alleged in paragraphs 8 through 16, above,
2 which are hereby incorporated by reference and realleged as if fully set forth herein.

3 **DISCIPLINARY CONSIDERATION**

4 18. To determine the degree of discipline, if any, to be imposed on respondent Lokesh
5 Shantanu Tantuwaya, M.D., complainant alleges that on or about August 31, 2018, in a prior
6 disciplinary action entitled *In the Matter of the Accusation Against Lokesh Shantanu Tantuwaya,*
7 *M.D.* before the Medical Board of California, in Case No. 800-2014-007852, respondent's license
8 was placed on probation for three years for (1) Conviction of Crimes Substantially Related to
9 Qualifications, Functions, or Duties of a Physician and Surgeon, to wit: one count of
10 misdemeanor Witness Intimidation and one count of misdemeanor Child Endangerment and (2)
11 Failure to Comply with Order of Examination, namely the Physical Examination as ordered by the
12 Board pursuant to section 820 of the Code. That decision is now final and is incorporated by
13 reference as if fully set forth herein.

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PRAYER

WHEREFORE, complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:


1. Revoking or suspending Physician's and Surgeon's Certificate No. G 79268, issued to respondent Lokesh Shantanu Tantuwaya, M.D.;

2. Revoking, suspending or denying approval of respondent Lokesh Shantanu Tantuwaya, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code, and advanced practice nurses;

3. Ordering respondent Lokesh Shantanu Tantuwaya, M.D. to pay the Medical Board of California the costs of probation monitoring, if placed on probation; and

4. Taking such other and further action as deemed necessary and proper.

DATED: September 24, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
State of California
Complainant

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